

REMARKS

By this Amendment, claims 1 and 20 have been amended and new claims 29-44 have been added. Accordingly, claims 1-15 and 20-44 are currently pending in this application. The amendments to claims 1 and 20, and new claims 29-44, are fully supported by the originally filed application. Accordingly, no new matter has been added by this Amendment.

In the Office Action dated May 2, 2006, claims 1-15 and 20-28 were rejected under 35 U.S.C. § 112, first and second paragraphs. Claims 20 and 22-28 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 2,697,433 to Zehnder ("Zehnder"). In addition, claims 1-15 and 21 were rejected under 35 U.S.C. § 103(a) as obvious over Zehnder in view of U.S. Patent No. 3,457,922 to Ray ("Ray").

Applicants thank the Examiner for the courtesy of an interview with the undersigned on July 27, 2006. As discussed in the interview, Applicants respectfully traverse the rejection of claims 1-15 and 20-28 under 35 U.S.C. § 112, first and second paragraphs. The recitations objected to in independent claims 1 and 20 have been removed. Thus, the rejections of claims 1 and 20, and their respective dependent claims, based on 35 U.S.C. § 112, first and second paragraphs, is now moot. Withdrawal of these rejections is respectfully requested.

Applicants also respectfully traverse the rejections of claims 1 and 20 in view of Zehnder, either alone or in combination with Ray. Neither Zehnder nor Ray discloses or suggests, among other things, an apparatus having a base being rotatable relative to an outer rim, as recited by amended independent claims 1 and 20. As shown in at least

FIG. 2A of the present application, for example, the outer stabilizer rim 208 and the base plate 220 are configured such that the base plate 220 can rotate “independent of the position of the outer stabilizer rim 208.” (Application, p. 17, ll. 11-13.) In particular, “[i]n the unlocked state, the rotational position of the . . . outer stabilizer rim 208 about the handle axis 218 can be adjusted relative to the rotational position of the base plate 220.” (Application, p. 19, ll. 8-10.)

However, as was also discussed in the July 27th interview, Zehnder does not disclose or suggest, among other things, a base being rotatable relative to an outer rim. Unlike the Office Action dated July 28, 2005, the current Office Action alleges that the carriage 36 of Zehnder may be a base, and that the frame member 10 of Zehnder may be an outer rim, as recited in claims 1 and 20. Applicants do not necessarily agree with this characterization or interpretation of the prior art. However, assuming arguendo that the frame member 10 could be an outer rim, as recited in claims 1 and 20, the carriage 36 is not rotatable relative to the frame member 10. Instead, as shown in at least FIGS. 3 and 4 of Zehnder, the carriage 36 is fixedly mounted within a second frame member 21. The carriage 36 is “generally square in plan and has a tapered or chamfered edge 37 receivable in a V-shaped groove 38 in the arm 30 of the frame 21. The opposite edge 39 of the carriage 36 has a depending flange 40 thereon provided with a V-shaped rib 41 which is received in a complementary groove 42 in the transverse rail 43 of the frame 21.” (Zehnder, col. 2, ll. 36-43.) As shown in FIGS. 3 and 4, the second frame member 21 is mounted on top of the frame member 10 and is configured for lengthwise adjustment relative to the frame member 10. Thus, the generally square carriage 36 is

not rotatable relative to either the second frame member 21 or any part of the frame member 10.

Ray does not cure these deficiencies. In particular, Ray does not disclose or suggest, among other things, the tripod base 11 being rotatable relative to an outer rim, as required by amended claims 1 and 20.

Since Zehnder fails to disclose or suggest, among other things, a base being rotatable relative to an outer rim, either alone or in combination with Ray, Applicants traverse the Examiner's rejection of independent claims 1 and 20. Reconsideration is respectfully requested.

Claims 2-15 and new claims 29-36 depend directly or indirectly from independent claim 1, and claims 21-28 and new claims 37-44 depend directly or indirectly from independent claim 20. Dependent claims 2-15 and 21-44 are therefore allowable for at least the same reasons stated above with regard to independent claims 1 and 20, respectively.

In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and, therefore, each is also separately patentable. For example, as discussed in the July 27th interview, neither Zehnder nor Ray discloses or suggests a device in which the outer rim surrounds the perimeter of the base (see claims 29 and 37). Instead, as shown in at least FIGS. 1 and 4 of Zehnder, the carriage 36 is disposed completely above the frame member 10. No part of the carriage 36 is within the frame member 10. Thus, the frame member 10 does not surround a perimeter of the carriage 36.

Moreover, as discussed in the interview with regard to claims 10 and 24, Zehnder, Ray, and the current Office Action are each silent as to any grid disposed about the rotation axis of the device, and neither of the cited references discloses or suggests a grid being adjacent to a surface of the base (see claims 30 and 38), a grid being located along a top surface of the base (see claims 31 and 39), or a grid comprising at least one marking configured to assist in guiding the needle (see claims 32 and 40). Support for each of these new claims can be found throughout the Applicants' specification and at least at, for example, page 20, lines 11-15 and 28-29; page 22, lines 10-12; and FIGS. 2B and 4A-4C.

Further, as discussed in the interview, neither Zehnder nor Ray discloses or suggests a base that is substantially circular (see claims 33 and 41). Support for new claims 33 and 41 can be found throughout the Applicants' specification and at least in, for example, FIGS. 2A-2D. Instead, as discussed above with respect to Zehnder, the carriage 36 "is generally square in plan." (Zehnder, col. 2, l. 37.)

In addition, as discussed in the interview, neither Zehnder nor Ray discloses or suggests a pivot that is substantially cylindrical (see claims 34 and 42). Support for new claims 34 and 42 can be found throughout the Applicants' specification and at least at, for example, page 12, lines 5-6 and 18-21; and FIGS. 2B, 3A, and 3C-3D. Instead, the pivot 45 of Zehnder and the central ball 13 of Ray are both substantially ball-shaped or spherical.

Moreover, as discussed in the interview, neither Zehnder nor Ray discloses or suggests a guide platform defining at least one slot to accommodate movement of the guide shaft (see claims 35 and 43), or at least one slot to accommodate movement of a

guide rod connected to the pivot and rotatable about the pivot axis (see claims 36 and 44). Support for each of these new claims can be found throughout the Applicants' specification and at least at, for example, page 12, line 28-page 13, line 5; and FIGS. 2A, 2B, and 3A. Instead, Zehnder teaches "a ring member 46 mounted rotatably in the carriage 36." (Zehnder, col. 2, ll. 57-58.) The ring member 46 does not, however, define a slot as claimed.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: August 1, 2006

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